

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CATHY GADDY,)
)
Plaintiff,)
)
v.) No. 3:13-CV-17
) (VARLAN/SHIRLEY)
RADIO SYSTEMS CORPORATION,)
)
Defendant.)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is “Plaintiff’s Motion for Leave to Amend the Amended and Restated Complaint, and Motion for Leave to File a Second Amended and Restated Complaint to Reflect Said Amendment, and for Said Amendment to be Deemed to Relate Back,” [Doc. 14]. Therein, Plaintiff requests leave to modify paragraph 76 and paragraph 67 of her Amended and Restated Complaint [Doc. 13], to incorporate allegations that she was discriminated against because of her own disability. [See Doc. 14 at 1]. She also moves the Court to deem these changes to relate back to the date of original filing. [Id.].

As an initial matter, the Court finds that the Motion for Leave to Amend [Doc. 14] was filed on November 5, 2013. As of November 25, 2013, no party has responded in opposition to the Motion for Leave to Amend [Doc. 14] and the time for doing so has expired. See E.D. Tenn. L.R. 7.1. The Motion for Leave to Amend could be granted on this basis alone. See E.D. Tenn. L.R. 7.2.

Local Rule 15.1 states: "A party who moves to amend a pleading shall attach a copy of the proposed amended pleading to the motion. Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, shall, except by leave of Court, reproduce the entire pleading as amended and may not incorporate any prior pleading by reference." The Local Rule further states: "A failure to comply with this rule may be grounds for denial of the motion." The Court finds that the Plaintiff has complied with Rule 15.1. [See Doc. 14-1].

Moreover, the Court finds that the Plaintiff has shown good cause for amending under Rule 15 of the Federal Rules of Civil Procedure. The Court further finds that the Defendant has not directed the Court to any legal basis to deny the Plaintiff's request for the amendment to relate back to the date of the original filing pursuant to Rule 15(c)(1) of the Federal Rules of Civil Procedure.

Based upon the foregoing, the Motion for Leave to Amend [**Doc. 14**] is **GRANTED**. The Plaintiff **SHALL FILE** her proposed Second Amended and Restated Complaint [Doc. 14-1] as her pleading in this case on or before **December 9, 2013**. The Second Amended and Restated Complaint is **DEEMED** to relate back pursuant to Rule 15(c)(1) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge